

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANE M. NELSON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C12-1482-JCC

REPORT AND
RECOMMENDATION


This matter comes before the Court on plaintiff's Notice of Dismissal Without Prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Dkt. 11. Plaintiff initiated this action against the Commissioner of the Social Security Administration on September 10, 2012. Dkt. 4. After several orders directing plaintiff to correct deficiencies in his application to proceed *in forma pauperis* ("IFP"), the Court granted plaintiff's IFP application on October 3, 2012. Dkt. 7. The Clerk issued a summons on October 4, 2012, but the Commissioner has not yet filed an answer to plaintiff's complaint.

In plaintiff's October 25, 2012 Notice of Dismissal Without Prejudice, plaintiff's counsel explained that he had received a notice from the Social Security Administration dated October 2, 2012, indicating that "the Appeals Council has set aside its earlier action dated June 29, 2012 denying Plaintiff's request for review of the Administrative Law Judge's decision."

1 Dkt. 11 at 1. Accordingly, plaintiff requested that this action be dismissed without prejudice
2 pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

3 Plaintiff's motion for voluntary dismissal, Dkt. 11, is GRANTED, and this case is
4 dismissed without prejudice. The Clerk is directed to send a copy of this Order to counsel for
5 the plaintiff, and to the Honorable John C. Coughenour.

6 DATED this 31st day of October, 2012.

7 
8 JAMES P. DONOHUE
9 United States Magistrate Judge